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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,055	12/07/2001	Antonio Colmenarez	US010546	7472

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P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/020,055

Applicant(s)

COLMENAREZ ET AL.

Examiner

Lawrence B. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-18 is/are rejected.
- 7) ☒ Claim(s) 1 and 19-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments, see Remarks, filed 26 February 2007, with respect to claims 1-22 have been fully considered and are persuasive. Therefore, the finality of that action is withdrawn.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: The examiner suggest applicant replace "selecting a frequency" with "selecting a channel" for consistency in the claim language.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 7, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (2002/0049036 A1) in view of Gan et al. (US Patent 7,027,418 B2).

(1) With regard to claim 1, Bullock et al. discloses in Fig. 1, a system for a cordless

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modem comprising: a base station (102) comprising means (111) for connection with a communication line (col. 5, lines 26-29); a remote unit (106-109) for connection with an interface of a modem (element 107 shows a modem, as is a modem inherent in element 108, the fax machine); at least one booster station (element 105; Bullock et al. discloses the extension unit amplifying the data signals from elements 106-109; pg. 3, paragraph 0074); said base station including means (103; through interface 112) for wireless communication with said remote unit; said remote unit comprising means (104) for wireless communication with at least said base station. Bullock et al. teaches the use of antenna 104 for use of transmitting from each of elements 106-109 to the base station 102. Bullock et al. does not however disclose the base station including means for testing using wireless communication between the base station and remote unit and selecting a frequency providing a strongest reception from a plurality of available channels

However, Gan et al. discloses in Fig. 1, an approach for selecting communication channels based on performance wherein he teaches a base station (master) including means (Fig. 4, elements 212, 214, 216; col. 9, lines 37-43) for testing (col. 10, Testing Channel Performance) using wireless communication (background of the invention) between the base station and remote unit (slave) and selecting a frequency providing a strongest reception from a plurality of available channels (col. 12, Received signal Strength Indicator, abstract).

Thus it would have been obvious to one skilled in the art to modify the invention of Gan et al. as a method of avoiding interference in the communication system (col. 3, lines 39-45).

(2) With regard to claim 2, Gan et al. also discloses wherein said means for testing includes means for comparing levels of test patterns communicated between said base station

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and said remote unit (col. 12, lines 42-53). Gan et al. teaches measuring RSSI levels of the test packets (test patterns) communicated between the base station and remote.

Thus it would have been obvious to one skilled in the art to modify the invention of Gan et al. as a method of avoiding interference in the communication system (col. 3, lines 39-45).

(3) With regard to claim 7, claim 7 inherits all limitations of claim 1, above. As noted above, Bullock et al. in combination with Gan et al. disclose all limitations of claim 1 above. They do not however explicitly teach the remote unit is arranged in the case of a portable computer, Bullock et al. does teach the remote comprising a computer modem (107). One skilled in the art would know that computer modems inside laptops are well known in the art and thus would not constitute a patentable limitation.

(4) With regard to claim 10, though neither of the inventors disclose a remote unit including an antenna arranged on the case of a portable computer so that it is oriented upward when the computer is open, lap tops and other electronic communication devices with antennae and antennae design in general are well known in the art and an antenna arranged on the case of a portable computer so that it is oriented upward when the computer is open would be a mere design choice of one skilled in the art.

(5) With regard to claim 11, claim 11 discloses the method of the system disclosed in claim 1. Therefore a similar rejection applies.

(6) With regard to claim 12, claim 12 inherits all limitations of claim 11 above. As noted, Bullock et al. in combination with Gan et al. disclose all limitations of claim 11. Furthermore, Gan et al. also discloses wherein step (d) comprises generating a test pattern for transmission between said base station and said remote unit (col. 12, lines 9-20).

Thus it would have been obvious to one skilled in the art to modify the invention of Gan et al. as a method of avoiding interference in the communication system (col. 3, lines 39-45).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (2002/0049036 A1) in view of Gan et al. (US Patent 7,027,418 B1) as applied to claim 1 above, and further in view of Ito et al. (US Patent 6,690,915 B1).

As noted above, the combination of Bullock et al. and Gan et al. discloses all limitations of claim 1, above. They do not however teach the system according to claim 1, further comprising at least one booster station in wireless communication with said base station and said remote unit, said at least one booster station including receiving means for receiving information transmitted from said base station and said remote unit and transmitting means for transmitting information to said base station and said remote unit.

However, systems comprising a booster station in wireless communications with a base station and a remote are well known in the art as verified by Ito et al. Ito et al. teaches in Fig. 1, a system comprising at least one booster station (100) in wireless communication with a base station (180, 182) and remote unit (132), said at least one booster station including receiving means (118) for receiving information transmitted from said base station and said remote unit and transmitting (120) means for transmitting information to said base station and said remote unit.

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Ito et al. as a known method of amplifying and transmitting signals to be transferred between a base station and a remote (col. 1, lines 11-16).

(3) With regard to claim 8, claim 8 inherits all limitations of claim 3, above. Bullock et al. teaches the remote comprising a computer modem (107). One skilled in the art would know that computer modems inside laptops are well known in the art and thus would not constitute a patentable limitation.

6. Claims 4, 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (2002/0049036 A1) in view of Gan et al. (US Patent 7,027,418 B2) as applied to claim 1 above, and further in view of Bullock et al. (US Patent 6,778,817 B1).

(1) With regard to claim 4, claim 4 inherits all limitations of claim 1 above. As noted above, Bullock et al. in combination with Gan et al. disclose all limitations of claim 1. They do not disclose wherein said base station includes means for connection with a first electrical outlet, and said system further comprises at least one booster station being in wireless communication with said remote unit, said booster station including means for connection with a second electrical outlet (105, 307), and said base station and said at least one booster station including means for communication over a common electrical wiring system between said first and second electrical outlets.

However, Bullock et al. 6,778,817 B1 teaches a method and system for combining wireless phone jack and RF wireless communications wherein he discloses in Fig(s) 2, 3, a base station (104) includes means for connection with a first electrical outlet (105), and said system further comprises at least one booster station (106) being in wireless communication with a remote unit (109), said booster station including means for connection with a second electrical outlet (105, 307), and said base station and said at least one booster station including means for

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communication over a common electrical wiring system between said first and second electrical outlets (col. 4, lines 30-57).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(2) With regard to claim 5, Bullock et al. 6,778,817 B1 teaches that in certain cases the power lines could supply reliable communications and thus the use of the signal booster and RF antenna would not be needed. Though Bullock et al. does teach the method of determining the most reliable communication method, one skilled in the art could readily adapt the method for use in the booster as taught by Berger et al. as applied to the base station to ascertain the more reliable method of communications between the devices.

(3) With regard to claim 9, claim 9 inherits all limitations of claim 5, above. As noted 5 though neither of the cited references explicitly teach the remote unit is arranged in the case of a portable computer, Bullock et al. does teach the remote comprising a computer modem (107). One skilled in the art would know that computer modems inside laptops are well known in the art and thus would not constitute a patentable limitation.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (2002/0049036 A1) in view of Gan et al. (US Patent 7,027,418 B2) as applied to claim 11 above, and further in view of Ito et al. (US Patent 6,690,915 B1).

As noted above, the combination of Bullock et al. and Gan et al. disclose all



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limitations of claim 11, above. They do not however teach the method according to claim 11, further comprising providing at least one booster station in wireless communication with said base station and said remote unit, said at least one booster station receiving an re-transmitting communications between said base station and said remote unit.

However, systems comprising a booster station in wireless communications with a base station and a remote are well known in the art as verified by Ito et al. Ito et al. teaches in Fig. 1, a method comprising providing at least one booster station (100) in wireless communication with a base station (180, 182) and remote unit (132), said at least one booster station receiving (118) and retransmitting communications between said base station and said remote unit (col. 1, lines 11-16).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Ito et al. as a known method of amplifying and transmitting signals to be transferred between a base station and a remote (col. 1, lines 11-16).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (2002/0049036 A1) in view of Gan et al. (US Patent 7,027,418 B2) as applied to claim 11 above, and further in view of Ito et al. (US Patent 6,690,915 B1).

As noted above, the combination of Bullock et al. and Gan et al. discloses all limitations of claim 12, above. They do not however teach the method according to claim 12, further comprising providing at least one booster station in wireless communication with said base station and said remote unit, said at least one booster station receiving an re-transmitting communications between said base station and said remote unit.

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However, systems comprising a booster station in wireless communications with a base station and a remote are well known in the art as verified by Ito et al. Ito et al. teaches in Fig. 1, a method comprising providing at least one booster station (100) in wireless communication with a base station (180, 182) and remote unit (132), said at least one booster station receiving (118) and retransmitting communications between said base station and said remote unit (col. 1, lines 11-16).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Ito et al. as a known method of amplifying and transmitting signals to be transferred between a base station and a remote (col. 1, lines 11-16).

9. Claims 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (2002/0049036 A1) in view of Gan et al. (US Patent 7,027,418 B2) as applied to claim 11 above, and further in view of Bullock et al. (US 6,778,817 B1).

(1) With regard to claim 15, as noted above, the combination of Bullock et al. and Gan et al. disclose all limitations of claim 11. They do not however disclose, wherein step (a) includes providing a connection for said base station to an electrical outlet of an electrical system; and step (g) includes providing the at least one booster station with a connection to another electrical outlet of said electrical system; and (h) providing means for said base station and the at least one booster station to communicate over the electrical wiring system.

However, Bullock et al. (US 6,778,817 B1) discloses in Fig(s) 2, 3, wherein step (a) includes providing a connection (105) for said base station (104) to an electrical outlet of an electrical system; and step (g) includes providing the at least one booster station (106) with a

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connection to another electrical outlet (105, 307), of said electrical system; and (h) providing means (Fig. 3) for said base station and the at least one booster station to communicate over the electrical wiring system (col. 4, lines 30-57).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(2) With regard to claim 17, Gan et al. discloses testing and selecting a frequency channel providing a strongest reception (col. 12, Received Signal Strength Indicator) from a plurality of available channels for wireless communication between a base station and multiple remote units (col. 5, lines 6-26). One skilled in the art at the time of invention could readily apply the invention of Gan et al. for testing between the remote and booster and would have been motivated to do such as a method managing interference in the system (col. 3, lines 39-45).

10. Claims 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (2002/0049036 A1) in view of Gan et al. (US Patent 7,027,418 B2) as applied to claim 12 above, and further in view of Bullock et al. (US 6,778,817 B1).

As noted above, the combination of Bullock et al. and Gan et al. disclose all limitations of claim 12. They do not however disclose, wherein step (a) includes providing a connection for said base station to an electrical outlet of an electrical system; and step (g) includes providing the at least one booster station with a connection to another electrical outlet of

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said electrical system; and (h) providing means for said base station and the at least one booster station to communicate over the electrical wiring system.

However, Bullock et al. (US 6,778,817 B1) discloses in Fig(s) 2, 3, wherein step (a) includes providing a connection (105) for said base station (104) to an electrical outlet of an electrical system; and step (g) includes providing the at least one booster station (106) with a connection to another electrical outlet (105, 307), of said electrical system; and (h) providing means (Fig. 3) for said base station and the at least one booster station to communicate over the electrical wiring system (col. 4, lines 30-57).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(2) With regard to claim 18, Gan et al. discloses testing and selecting a frequency channel providing a strongest reception (col. 12, Received Signal Strength Indicator) from a plurality of available channels for wireless communication between a base station and multiple remote units (col. 5, lines 6-26). One skilled in the art at the time of invention could readily apply the invention of Gan et al. for testing between the remote and booster and would have been motivated to do such as a method managing interference in the system (col. 3, lines 39-45).

***Allowable Subject Matter***

11. Claim 6 is allowed.

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12. Claims 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.) Cooper et al. discloses in US Patent 3,906,166 Radio Telephone System.

b.) Trompower et al. discloses in US Patent 6,088,591 Cellular System Hand-Off Protocol.

c.) Hachenberger et al. discloses in US 6,834,198 B1 Method And Device For Cellular Base Station Antenna Optimization.

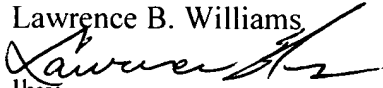
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ghayour Mohammad can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Lawrence B. Williams



lbw

March 18, 2007



EMMANUEL BAYARD  
PRIMARY EXAMINER